

FORM 4-II: Notice of Violation (For All Violations Without a Civil Penalty)(Materials Licensees)

NOTICE OF VIOLATION

(Name of Licensee)
(City, State)

Docket No.(s) _____
License No.(s) _____
EA-YY-XXX (if applicable)

During an NRC inspection (investigation) conducted on (date(s)) a violation(s) of NRC requirements was (were) identified. In accordance with the NRC Enforcement Policy, the violation(s) is (are) listed below:

[State the requirement that was violated.]

Contrary to the above, (date and description of precisely how the requirement was violated; and for licensees with more than one license, the specific license or licenses to which the violation applies).

This is a Severity Level violation (problem) (Supplement).

Pursuant to the provisions of 10 CFR 2.201, [Use 10 CFR 76.70 for gaseous diffusion plants] (name of licensee) is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region , and a copy to the NRC Resident Inspector at the (name of facility), within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; EA-YY-XXX" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> to the extent possible, it should not include any personal privacy, proprietary [NOTE: For NOVs to be issued to gaseous diffusion plants or any other facility likely to hold classified material, insert: "classified,"], or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a

redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

[For violations where the region has determined that no response is required, the following paragraph may be substituted:

“The NRC has concluded that information regarding the reason for the violation, [if more than one violation, specify which violation or violations] the corrective actions taken and planned to be taken to correct the violation and prevent recurrence, and the date when full compliance will be (was) achieved, is already adequately addressed on the docket in [Indicate correspondence, e.g., Inspection Report No. (XXXXXXXX/YYYNNN), LER YY-NNN, or letter from Licensee dated (date).] However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," [Include the EA number], and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region __, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).”

NOTE: If this option is used, substitute the following for the last paragraph of this NOV:

“If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC’s document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.”]

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this __ day of (Month) 20(XX)